

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-453-D

FRANK M. LOBACZ,

Plaintiff,

v.

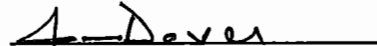
THE UNITED STATES OF AMERICA,

Defendant.

ORDER

For the reasons stated in defendant's memorandum of law in support of its motion to dismiss [D.E. 52] and in its reply brief [D.E. 63], the court GRANTS defendant's motion to dismiss [D.E. 51] and DISMISSES plaintiff's FTCA claim for failure to file a certification under N.C. Gen. Stat. § 1A-1, Rule 9(j) or Fla. Stat. §§ 766.203(2) or 766.206(2). The court also DISMISSES plaintiff's Bivens claim for failure to identify and properly serve the John Doe defendants. Plaintiff may file an amended complaint not later than June 1, 2021. If plaintiff fails to file an amended complaint by June 1, 2021, the clerk shall close the case without further order of the court.

SO ORDERED. This 12 day of May 2021.


JAMES C. DEVER III
United States District Judge